

DOCKET FILE

SLR:LDM:TYH
F.#2010R00153

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FINAL ORDER OF
FORFEITURE

- against -

FRANK PONTILLO,

11 CR 30 (KAM)
08 CR 709 (ILG)

Defendant

- - - - -X

WHEREAS, on or about April 28, 2011, the defendant, FRANK PONTILLO, entered a plea of guilty to count fifty-six of the above-referenced indictment, charging a violation of 18 U.S.C. § 371, and to charge one of the violation of supervised release report in United States v. Pontillo, Criminal docket No. 08-0709 (ILG), charging the defendant with the commission of new criminal conduct while on supervised release; and

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461, the defendant consented to the forfeiture of the following property: (a) four 42-inch televisions recovered from 1144 Forest Avenue, Staten Island New York; and (b) one Wii console recovered from the defendant's residence upon his arrest, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 371, as alleged in count fifty-six of the above-referenced indictment, and/or as substitute assets (collectively, the "Recovered Stolen Property");

WHEREAS, on or about September 8, 2011, this Court entered a Preliminary Order of Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461, requiring the defendant to forfeit all his right, title and interest in the Recovered Stolen Property;

WHEREAS, legal notice of the forfeiture was published in this district on the official government website, www.forfeiture.gov, for at least thirty (30) consecutive days beginning on October 20, 2011 and ending on November 18, 2011;

WHEREAS, on or about October 20, 2011, in accordance with the procedures set forth in 21 U.S.C. § 853(n), the United States sent direct notice, along with a copy of the Preliminary Order, upon Mark Zurlo, the only known potential claimant, via certified mail return receipt request, and to date no claim and/or petition has been filed with the Court (see docket entry #576); and

WHEREAS, no third party has filed with the Court any petition or claim in connection with the Recovered Stolen Property, and the time to do so under 21 U.S.C. § 853(n)(2) has expired;

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. All right, title and interest in the Recovered Stolen Property, is hereby forfeited to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461.

2. The United States Marshals Service, the Federal Bureau of Investigations and/or its duly authorized agents and contractors be and the same are hereby directed to dispose of the Recovered Stolen Property in accordance with all applicable laws and rules.

3. The United States District Court for the Eastern District of New York shall retain jurisdiction in this case for the purpose of enforcing this Order.

4. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

5. This Order shall be final and binding only upon the Court's "so ordering" of the order.

6. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order.

7. The Clerk of the Court is directed to send, by inter-office mail, five certified copies of this executed Order to FSA Paralegal, Maritza Arroyo, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York
February 10, 2012

s/KAM

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HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK